



Attorney Docket No.: 506422-0116  
Express Mail Label No.: EV 258727849 US

03945 U.S. PTO  
10/689108



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Phillip B. Blankenship, Joseph Drbohlav, III, Michael L. Hines

Title: A SYSTEM FOR REPAIRING DISTRESSED ROADS THAT INCLUDES AN ASPHALT INTERLAYER

**DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a Divisional Patent Application under 37 C.F.R. 1.53(b).

**Continuing Application Information:**

- ☐ Continuation      ☒ Divisional      ☐ Continuation-in-Part (CIP)
- ☒ Prior U.S. Application Serial No.: 09/893,314, filed June 27, 2001, and is hereby incorporated by reference in its entirety.

**Prior Application Information:**

- ☐ Examiner: Peter A. Szekely
- ☐ Group/Art Unit: 1714

**Application Elements:**

- ☒ Application transmittal containing Fee Calculation and Certificate of Mailing by "Express Mail".
- ☒ A check in the amount of \$770.00 to cover the application filing fee.
- ☐ Applicant claims small entity status.
- ☒ Application Cover Sheet, Specification, Claims (1-19) and Abstract of the Disclosure (29 total pages).
- ☒ Original drawings (Figures 1-3, 2 total sheets).
- ☒ Declaration and Power of Attorney from each co-inventor (1 document) (3 total pages).
- ☐ Newly-executed [original/s] [copy/ies].
- ☒ Copy from a prior application pursuant to 37 C.F.R. 1.63(d).

**Certificate of Mailing by "Express Mail" (37 C.F.R. 1.10)**

Express Mail Label No.: EV 258727849 US

Date of Deposit: 10-20-03

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: JESSICA V. BARNARD

Signature: Jessica V. Barnard

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

**Accompanying Application Parts:**

- ☒ Patent Assignment Recordation Form Cover Sheet and Assignment (6 total pages).  
☐ A check in the amount of \$40.00 to cover the Assignment recordation filing fee.  
☒ The prior application is Assigned of record to KMC Enterprises, Inc. and was recorded on October 11, 2001 at Reel 012255/Frame 0995 (6 pages).

**Documents reflecting change in Power of Attorney/Correspondence Address.**

- ☐ [Revocation of] Power of Attorney [and Appointment of New Power of Attorney] [by Assignee]. [Change of Correspondence Address –Application (PTO/SB/122).]  
☐ Certificate Under 37 C.F.R. § 3.73(b) (where there is an Assignee).  
☐ Information Disclosure Statement (IDS) and PTO/SB/08A (PTO-1449).  
☐ Copies of IDS Citations.  
☐ A Petition for Extension of Time is being filed concurrently in the prior application ([ ] total pages).  
☐ Preliminary Amendment (\_\_\_\_ total pages).  
☐ Petition to Make Special Under 37 C.F.R. § 1.102(c) ([ ] total pages).  
☒ Itemized Return Receipt Post Card.  
☐ Certified copy of priority document(s) (if foreign priority is claimed).  
☒ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i).  
☐ Other: \_\_\_\_\_

**Fee Calculation:**

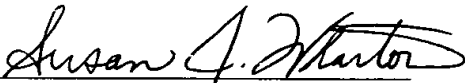
	Filed		Extra		Rate		Calculations
Basic Fee							\$770
Total Claims	19	-	20	=	0	x	\$18 = 0
Independent Claims	1	-	3	=	0	x	\$86 = 0
Multiple Dependent Claims (one time fee)					0	x	\$290 = 0
<b>Total Fee:</b>							<b>\$770</b>
<input type="checkbox"/> Small Entity Fee Reduction of 50%:							<b>\$0</b>

**DIRECT ALL CORRESPONDENCE TO: CUSTOMER NUMBER 27910**

Pursuant to the provisions of 37 C.F.R. §§ 1.10 and 1.53(a), Applicant(s) respectfully request(s) that this application be assigned a serial number and a filing date of October 20, 2003, the date upon which the Application was mailed to the United States Patent and Trademark Office by Express Mail.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By:   
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor : Phillip B. Blankenship, et al.  
Serial No. : Not yet assigned  
Filing Date : Filed Herewith  
Title : A SYSTEM FOR REPAIRING DISTRESSED  
ROADS THAT INCLUDES AN ASPHALT  
INTERLAYER  
Atty. Docket No. : 506422.0116

**NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/20/03

Date

Susan J. Wharton

Signature

Susan J. Wharton

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Certificate of Mailing by "Express Mail" (37 C.F.R. 1.10)**

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Date of Deposit: OCTOBER 20, 2003

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Signature: Jessica V. Barnard

Printed Name: Jessica V. BARNARD

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.